



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Walke and Scoville	Group Art Unit:	1646
Application No.:	10/798,721	Examiner:	R. Li
Filed:	03/11/2004	Atty. Docket No.:	LEX-0477-USA
Title: Novel Human Membrane Proteins and Polynucleotides Encoding the Same			

TERMINAL DISCLAIMER

Commissioner for Patents
Alexandria, VA 22313

Sir:

Lexicon Genetics Incorporated ("Lexicon"), duly organized under the laws of the State of Delaware and having its principal place of business at 8800 Technology Forest Place, The Woodlands, Texas, 77381, represents that it is the only assignee of the entire right, title, and interest in and to the above identified application, United States Patent Application Serial No. 10/798,721, filed March 11, 2004, for Novel Human Membrane Proteins and Polynucleotides Encoding the Same, in the names of D. Wade Walke and John Scoville, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 012609, Frame 0503. Lexicon also represents that it is the only assignee of the entire right, title, and interest in and to United States Patent Application Serial No. 09/969,532, filed October 2, 2001 (now U.S. Patent No. 6,777,232, issued August 17, 2004), for Novel Human Membrane Proteins and Polynucleotides Encoding the Same, in the names of D. Wade Walke and John Scoville, as indicated by assignments duly recorded in the United States Patent and Trademark Office at Reel 012609, Frame 0503.

To obviate a double patenting rejection, Lexicon hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on United States Patent Application Serial No. 10/798,721 that would extend beyond the expiration date of U.S. Patent No. 6,777,232, and hereby agrees that any patent so granted on United States Patent Application Serial No. 10/798,721 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,777,232, this agreement to run with any patent

granted on United States Patent Application Serial No. 10/798,721 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Lexicon does not disclaim the terminal part of any patent granted on United States Patent Application Serial No. 10/798,721 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 165 and 173 of U.S. Patent No. 6,777,232, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,777,232: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or in part; is terminally disclaimed under 37 C.F.R. § 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

The fee as required under 37 C.F.R. § 1.20(d) for filing this Terminal Disclaimer is \$130.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892. Applicants believe no fees in addition to the fees for filing the Terminal Disclaimer are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to charge any underpayment or credit any overpayment to Lexicon Genetics Incorporated Deposit Account No. 50-0892.

The undersigned is authorized to act on behalf of assignee Lexicon.

Respectfully submitted,

August 12, 2005

Date



David W. Hibler
Agent for Applicants

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